THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.16899 OF 2005

Dated 2nd August 2005

Between:

U.Anjaiah S/o. Late U.Balaiah,

aged 40 years, Occu: F.P.Shop dealer,

R/o.Peerzadiguda vill.of Ghatkesar Mandal,

R.R.District.

…Petitioner

And

The Joint Collector II (CS)

R.R.District, at Saifabad, Hyderabad, & and another.

…Respondents

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O R D E R:

The petitioner was functioning as a dealer of Fair Price Shop No.1 of Peerzadiguda village of Ghatkesar Mandal, R.R.District. Through proceedings dated 3.3.2005, the Revenue Divisional Officer, East Division, R.R.District, second respondent herein, cancelled the dealership, on the ground that the petitioner committed certain irregularities, in the matter of distribution of rice, meant for AAY

Card holders. Aggrieved thereby, the petitioner preferred an appeal, before the first respondent, on 21.6.2005, together with an application for grant of stay. The grievance of the petitioner is that the first respondent has not passed any orders, either on the stay application, or in the appeal, so far. He seeks appropriate directions, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Though several contentions are urged on behalf of the petitioner, this Court does not intend to deal with the same, at this stage. The petitioner availed the statutory remedy of appeal, against the order of cancellation. It is true that an application for interim orders was also filed. However, once the appellate authority is in seisin of the matter, and unless an order is passed by him, this court cannot issue any specific direction, or pass interim orders, in favour of the petitioner. The order is dated 3.3.2005, and the appeal was filed on 21.6.2005. It is not known whether the appellate authority has condoned the delay, or whether the appeal was treated, as having been filed within the period of limitation.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, and the first respondent is directed to pass appropriate orders, on the appeal itself, within a period of three weeks, from the date of receipt of a copy of this order. There shall be no order as to costs.

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2nd August 2005

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